

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANGELA LEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:06CV521-VPM
	)	[WO]
UNITED SERVICES AUTOMOBILE	)	
ASSOCIATION,	)	
	)	
Defendant.	)	

**ORDER ON MOTION**

On 6 July 2006, the defendant filed a Motion to Dismiss this action on the ground that, for the reasons stated in the motion, the court lacks diversity jurisdiction (Doc. # 4). The plaintiff filed her response on 10 July 2006 (Doc. # 6), acknowledging the motion and requesting the court to “dismiss this action without prejudice so that the Plaintiff may re-file same in the appropriate state court”. The parties consented to disposition of this case by a Magistrate Judge on 18 July 2006.

The court has independently considered the motion and the response and finds that, because the defendant is an unincorporated association with Alabama members, the plaintiff’s attempt to establish diversity jurisdiction is vitiated. Unincorporated associations

are not citizens of any particular state; rather, the citizenship of its members is determinative of the existence of diversity of citizenship. *See Int’l. Ass’n. of Machinists v. Eastern Airlines, Inc.*, 320 F.2d 451 (5th Cir. 1963); *United Steel Workers of America, AFL-CIO v. Bouligny*, 382 U.S. 145, 86 S. Ct. 272, 15 L. Ed. 2d 217 (1965).

*Xaros v. U.S. Fidelity & Guaranty Co.*, 820 F.2d 1176, 1181-1182 (11th Cir. 1987). In

*Xaros*, the Court of Appeals recognized that “[t]he Supreme Court has declined to depart from the common law rule that unincorporated associations are not juridical personalities to which diversity jurisdiction should be extended.” Thus, the plaintiff’s recourse in this case is to file her claims in state court.

Accordingly, for good cause, it is ORDERED as follows:

1. This action is hereby DISMISSED without prejudice.
2. Each party shall pay its own costs.
3. The court’s order of 19 July 2006 (Doc. # 10) is hereby VACATED, and the parties should disregard the order.

DONE this 2nd<sup>1</sup> day of August, 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE